

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 27, 2000

DIVISION ONE

B140362 People (Not for Publication)
v.
Stewart

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B139307 Rodriguez et al. (Not for Publication)
v.
DSL Transportation Services, Inc. et al.

The order granting a new trial is reversed and the judgment is reinstated. Each party to bear their own costs.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B137040 People (Not for Publication)
v.
Tebault

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B138206 People (Not for Publication)
v.
Gonzalez

The judgment (sentence) is vacated. The matter is remanded for the trial court to enter a "not true" finding as to the prior conviction and reimpose sentence. The trial court is to impose a mandatory parole revocation fine.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B143616 Marina City Club (Not for Publication)
v.
Superior Court, Los Angeles County
(Harris, r.p.i.)

The petition is granted. A writ of mandate shall issue compelling the trial court (1) to vacate its order of August 1, 2000, (2) to determine from the Club whether it is willing to pay the full cost of a reference and, if so, (3) to enter an order granting the Club's motion for a reference. If the Club declines to pay the full cost of the reference, the trial court shall enter a new order denying the motion for a reference and set the cause on track for trial. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

October 27, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is reversed and the matter remanded for a new trial.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

B137313 People
v.
Leary

Merits:
Argued by Ellen Matsumoto for appellant and by Kelly Fincher, deputy attorney general, for respondent. Cause submitted.

Nott, J. leaves the bench.

DIVISION TWO (Continued)

B139583 Enayati
 v.
 Santa Monica Rent Control

Merits:
Argued by Gordon Gitlen for appellant and by Joel Martin Levy for
respondent. Cause submitted.

B125596 Sensor Company
 v.
 Hughes Electronics
 Nassgil Financial

Merits:
Argued by Jay Cordell Horton for appellant and by Randy McMurray for
respondent Sensor and by Warrington Parker III for respondent Hughes.
Cause submitted.

B137790 Sauer
 v.
 Interactive Telesis

Merits:
Argued by Mark Clinnin for appellant and by Patrick Carey for respondent.
Cause submitted.

B136206 Long
 v.
 Cochran, et al

Merits:
Argued by Paul Rolf Jensen for appellant and by Jonathan Cole for
respondents. Cause submitted.

Nott, J. assumes the bench.

DIVISION TWO (Continued)

B127807 Larue
v.
Eisenhart
Pastor

Merits:

Argued by Evan Marshall for appellant, by Jennifer King for respondent Eisenhart and by Jonathan Cole for respondent Pastor . Cause submitted.

Court adjourned.

DIVISION FOUR

B137950 Cohen (Not for Publication)
v.
Midland Life Insurance Company

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B132383 Ulico Casualty Company (Not for Publication)
v.
California Casualty & Fire Insurance Company

The judgment is reversed as to the award of attorney's fees and costs under section 2033, subdivision (o) and the cause remanded for redetermination of the amount of fees and costs incurred; in all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B134662 People (Not for Publication)
v.
Johnny Ricardo Guisa

The judgment is reversed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B141082 Provident Life and Accident (Not for Publication)
Insurance Company, et al.
v.
Superior Court, Los Angeles County
(Herman, r.p.i.)

Let a peremptory writ of mandate issue directing the Los Angeles County Superior Court in civil action No. SC047895 to vacate its order of May 1, 2000, granting the motion to amend, and to enter a new and different order denying the motion. The alternative writ is discharged. Costs are awarded to petitioner.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B134963 Robert Hahn (Certified for Publication)

v.

Superior Court, Los Angeles County
(Specialty Restaurants Corporation, r.p.i.)

rule Let a writ of supersedeas issue staying enforcement of the portion of the judgment consisting of section 1032 routine costs, pending resolution of the appeal in this matter. Petitioner is awarded costs. (Cal. Rules of Court, 56.4.)

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FIVE

B136357 Insurance Company of The West (Not for Publication)

v.

Midvale Associates, Ltd., et al.

The September 17, 1999, order vacating the default judgment entered on May 13, 1996, is reversed. Upon issuance of the remittitur, the trial court may in the exercise of its discretion, consider the extrinsic fraud contentions raised in the reply if it desires to do so. Cross-complainant, Insurance Company of the West, is to recover its costs on appeal, jointly and severally, from cross-defendants, Bruce R. Korman and Midvale Associates, Ltd.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.